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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JASWINDER KAUR,)	
)	No. C 07-4993 EMC
Plaintiff,)	
)	
v.)	STIPULATION TO TRANSFER VENUE OF
)	ACTION TO EASTERN DISTRICT OF
ROBERT S. MUELLER, III, Director,)	CALIFORNIA AND [PROPOSED] ORDER
Federal Bureau of Investigation;)	
MICHAEL CHERTOFF, Secretary,)	[28 U.S.C. § 1406(a)]
Department of Homeland Security;)	
EMILIO GONZALES, Director, U.S.)	
Citizenship and Immigration Services (USCIS);)	
DAVID STILL, District Director, USCIS;)	
Doe 1, Bakersfield Field Office Director, USCIS,)	
)	
Defendants.)	
)	

This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Modesto, California, alleges that she attended an interview on her naturalization application on November 14, 2005 and February 2, 2006, but the application remains unadjudicated. Defendants contest the status of her application.

Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days or more after the date of a naturalization examination, the applicant may apply to the United States District Court for the district in which the applicant resides for a hearing on the matter.

Modesto, California is located in Stanislaus County, in the Eastern District of California.

1 U.S.C. § 84(a). Accordingly, venue for this action is proper in the Eastern District, but not in this
2 District.

3 The parties to this action, by and through their attorneys, hereby stipulate and request of the
4 Court that this action should be transferred to the Eastern District of California pursuant to 28
5 U.S.C. § 1406(a). Section 1406(a) provides:

6 The district court of a district in which is filed a case laying in venue in the wrong division
7 or district shall dismiss, or if it be in the interest of justice, transfer such case to any district
or division in which it could have been brought.

8 Because venue is proper only in the Eastern District, the parties believe that the interests of justice
9 require that this action be transferred to the United States District Court for the Eastern District of
10 California.

11 In addition, the time for a response to the complaint has not yet run, and in view of the
12 uncertainty as to when this action will be docketed and assigned to a judge in the Eastern District of
13 California, the parties further stipulate and request of the Court that the time for the Defendants to
14 answer, move, plead or otherwise respond to the Complaint should be extended to 40 days after the
15 date the action is docketed and assigned to a judge in the Eastern District of California.

16
17 Date: December 6, 2007

Respectfully submitted,

18 SCOTT N. SCHOOLS
19 United States Attorney

20 _____/s/
MELANIE L. PROCTOR
21 Assistant United States Attorney
Attorneys for Defendants

22
23 Date: December 6, 2007

_____/s/
MADAN AHLUWALIA
24 Attorney for Plaintiff

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26 ///

ORDER

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Eastern District of California, the judicial district in which this case should have been brought. The time for Defendants to answer, move, plead or otherwise respond to the Plaintiff's Complaint shall be extended to 40 days after the action is docketed, and a judge assigned, in the Eastern District of California. IT IS SO ORDERED.

Date: December 13, 2007

EDWARD CHEN
United States

